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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ESLI VACA-ZETINA, an individual;  
MARGARITA LOPEZ-RANGEL, an  
individual,

Plaintiff,

vs.

JORGE SARABIA, an individual; DOES I  
through V, inclusive; and ROE  
CORPORATIONS I through V, inclusive,

Defendant

Case No.: 2:22-cv-00916-JAD-EJY

**STIPULATION AND ORDER  
REGARDING FED. R. CIV. P. 35  
EXAMINATION OF PLAINTIFF ESLI  
VACA-ZETINA**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff ESLI VACA-ZETINA, by and through her undersigned counsel of record and Defendant JORGE SARABIA, by and through his undersigned counsel of record, as to the terms of the Fed. R. Civ. P. 35 Medical Examination (the “Rule 35 Examination”) as follows:

1. The Rule 35 Examination will take place on August 31, 2022, at 10:00 a.m., Pacific Standard Time and will be conducted by Don Young Park, MD, of David Geffen School of Medicine at UCLA, Department of Orthopaedic Surgery (the “medical examiner”). No other physician, surgeon, or chiropractor shall be present during the examination. If necessary, the medical examiner may use members of his/her staff to assist during the examination. The location of the examination will be 2500 West Sahara Avenue, Suite 207, Las Vegas, NV 89102.

1           2.       The examination will begin at 10:00 a.m., Pacific Standard Time, and will end no  
2 later than 90 minutes thereafter. If the examination does not begin on time, no additional time  
3 will be given.

4           3.       The examination shall be conducted in Clark County, Nevada.

5           4.       No CT Scans, MRIs, X-Rays, or other medical images shall be performed on  
6 Plaintiff in the course and scope of the examination, nor shall any medical treatment be rendered  
7 to Plaintiff by the defense medical examiner.

8           5.       Any paperwork or forms that Defendant (or the medical examiner) requires for the  
9 examination shall be submitted to Plaintiff's counsel no later than August 17, 2022.

10          6.       Within thirty (30) days following the examination, Plaintiff shall be provided with  
11 a copy of all reports and writings generated by the medical examiner, including but not limited  
12 to, a detailed written report of the examiner setting out the examiner's findings, including results  
13 of all tests made, diagnoses and conclusions, together with like reports of all earlier examination  
14 of the same condition.

15          7.       Plaintiff may have an observer present at the examination. If Plaintiff brings an  
16 observer, Plaintiff will identify the observer and state the observer's relationship to Plaintiff prior  
17 to the examination. Plaintiff's observer will not be any attorney or employee of The Law Offices  
18 of Kristian Lavigne & Associates, PC. Defendants may not be present at the Rule 35 Examination.  
19 Defense counsel may not be present at the Rule 35 Examination. Insurance representatives may  
20 not be present at the Rule 35 Examination.

21          8.       The medical examiner shall not engage in *ex parte* communication with Plaintiff's  
22 treating health care providers.

23          9.       The examiner shall retain all handwritten notes, emails sent and received, and all  
24 documents generated or received, including draft reports, related to the examination. Retention  
25 shall not be construed as a waiver of any objections as to the discoverability of these documents.

26          10.       The examiner will produce a copy of his entire file upon written request by  
27 Plaintiff's counsel, including any test materials/raw data.

28          11.       The examiner will accurately report his or her findings and test results.

1           12.     Liability questions, including details of how the subject crash occurred, may not  
2 be asked by the examining physician or any agent or representative of the examining physician.  
3 The examining physician may ask questions regarding how Plaintiff's body moved inside the  
4 vehicle and whether Plaintiff's body struck anything during the collision.

5           13.     The report generated by the examiner will list all tests, exams, other materials  
6 (radiographs, test results, other physician reports) that are used by the examiner to form the  
7 examiner's opinions and conclusions. All reference materials must be referred to within the  
8 report, otherwise they will be precluded as part of the basis of the medical examiner's opinions.

9           14.     The Rule 35 Examination may be audio recorded by Plaintiff or her representative  
10 and the medical examiner or his representative. Any person audio recording the examination will  
11 announce the examination is being recorded prior to the examination beginning. Any person who  
12 audio records the examination will make a copy of the recording available upon request.

13           15.     Defense counsel will provide the medical examiner a copy of these terms and  
14 conditions prior to the examination. The medical examiner shall abide by the terms and conditions  
15 set forth herein.

16           16.     Unless Plaintiff undergoes additional spine surgery, this will be the one and only  
17 Rule 35 exam related to injuries and/or treatment relating to Plaintiff's spine. Defendant reserves  
18 the right to conduct additional Rule 35 Exams on other parts of Plaintiff's body, should the need  
19 arise.

20           17.     Neither Plaintiff nor the medical examiner will end the Rule 35 Examination early  
21 without first attempting to reach their respective counsel. Counsel agree that they will be available  
22 at the time of the examination and will attempt to speak telephonically to resolve any issues prior  
23 to the Plaintiff or the medical examiner ending the examination early.

1 DATED: August 8, 2022

2  
3 BY: /s/ Kristian Lavigne  
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16 DATED: August 8, 2022

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*Attorneys for Jorge Sarabia*

**ORDER**

IT IS SO ORDERED:

29   
30 THE HONORABLE ELAYNA J. YOUCHAH  
31 UNITED STATES MAGISTRATE JUDGE

32 DATED: August 8, 2022